

REMARKS

The Office examined claims 1-20 (all of the claims as filed) and rejected same. This paper requests entry of an amendment that would further clarify how the invention is distinguished over a previously cited reference while at the same time distinguishing the invention over a newly cited reference. Applicant respectfully requests entry of the amendment.

With this paper, various of the claims are amended including the independent claims 1 and 10, claims 18-20 are canceled, and claims 21-23, including new independent claim 22, are added to the application, which therefore now includes claims 1-17 and 21-23.

Rejections under 35 USC §102(e) based on TSUKAMOTO

At paragraph 3 of the Office action, claims 1-5 and 8-11, 15 and 19-20 are rejected under 35 USC §102(e) as being anticipated by TSUKAMOTO (US 2001/0044328).

TSUKAMOTO discloses a caller using the vibrator mechanism of a mobile phone to signal--by turning on and off the caller's vibrator--that a voice conversation cannot continue, and to continue communicating information using the vibrator to send coded information (with the codes indicated in a table the caller can refer to while using the vibrator to continue the communication). (The called person then stops communicating by voice and uses the vibrator on his or her phone to continue communicating.)

With this paper, claims 1 and 10 are further changed to even more clearly distinguish over TSUKAMOTO. In place of reciting that the tactile sensation pattern "suggests associations or meanings," claims 1 and 10 now recite that a tactile sensation pattern signal is provided (to a means for producing tactile sensations) comprising *respective instructions for producing each disturbance* in a pattern of disturbances, where each disturbance

is sensible as a tactile sensation, and the pattern of disturbances suggests by itself associations or meanings and so directly communicates to any user of the apparatus the associations or meanings independent of any existing or attempted voice connection. Since, claims 1 and 10 now recite that the tactile sensation pattern signal comprises *respective instructions for producing each disturbance in a pattern of disturbances*, the tactile sensation pattern signal communicated from one communication terminal to another, according to claims 1 and 10, is uncoded, i.e. does not simply communicate an index into a table but instead communicates an actual pattern of disturbances. In addition, claims 1 and 10 recite that the tactile sensation pattern signal is communicated independent of any existing or attempted voice connection. Thus, the invention in claims 1 and 10 is believed distinguished over TSUKAMOTO.

Further in response to claim 5, which the Office rejects based on paragraphs 16-20 of TSUKAMOTO, applicant has carefully reviewed paragraphs 16-20 and cannot see there a teaching of: means for downloading and editing a tactile sensation pattern; or a data store for storing a plurality of tactile sensation patterns; or means for selecting a tactile sensation pattern from the data store, all limitations of the invention recited in claim 5. Applicant supposes that the Office relies on the language in paragraph [0016], that "the control unit selects a corresponding signaling code from the table 19," and also the language in paragraph [0020], which reads in part:

... the communicating users have a set of agreed-upon signaling codes as a private protocol and remember these codes in their memory. Vibrator switch 18 may be of a push-button type to allow the user to press the button for a specified duration. By operating the button in a sequence of different durations a particular item of information can be transmitted.

Applicant respectfully submits that paragraph [0020] merely teaches using pre-agreed private codes as a basis for communicating information, and applicant respectfully submits that

the Office has previously asserted (in the rejection of claims 1 and 10 in the present Office action, in "Response to Arguments," that "their memory" refers to the respective human memories of the users. Further, there is no teaching anywhere in TSUKAMOTO of downloading and editing a tactile sensation pattern, and then storing it, as claimed in claim 5.

Accordingly, applicant respectfully requests that the rejections under 35 USC §102(e) based on TSUKAMOTO of claims 1 and 10, and of all claims that depend from claims 1 and 10, be reconsidered and withdrawn.

Rejections under 35 USC §102(e) based on EIDEN

At section 3, the Office action rejects claims 1-5 and 8-20 under 35 USC §102(e) as being anticipated by Eiden (US 2004/0067780), relying on paragraphs [0076]-[0079] for the rejections of claims 1, 5 and 10.

Regarding the rejections of claims 1 and 10 under 35 USC §102(e) based on Eiden, applicant notes that nowhere in the cited paragraphs (or elsewhere as far as applicant can discern) is there an express teaching of communicating a tactile sensation pattern signal comprising respective instructions for producing each disturbance in a tactile sensation pattern of disturbances. Eiden expressly discloses only "transmitting the vibration message (block 93)" and "playing it (that is, for causing vibration according to the message) (block 95)," and notes that, "In the process, a scheme is agreed between a message sender and receiver to map different messages with different vibration tunes." Thus, there is no express teaching of communicating respective instructions for producing each disturbance in a tactile sensation pattern of disturbances, as in claims 1 and 10.

Further, there is no express teaching of downloading, editing, and storing a tactile sensation pattern for future use,

as in
claim 5.

Accordingly, applicant respectfully requests that the rejections under 35 USC §102(e) based on Eiden of claims 1 and 10, and of all claims that depend from claims 1 and 10, be reconsidered and withdrawn.

New claims

New method claim 21, which recites limitations corresponding to the limitations of apparatus claim 5, depends from method claim 10 and is believed patentable over TSUKAMOTO and Eiden both on the ground that it depends from claim 10, and also for the reasons given in arguing that claim 5 is allowable over TSUKAMOTO and Eiden.

New method claim 22 is believed also distinguished over TSUKAMOTO and also over Eiden because it recites a tactile sensation pattern signal comprising respective instructions for producing each disturbance in a tactile sensation pattern of disturbances, and also recites that the tactile sensation pattern signal is communicated independent of any existing or attempted voice connection.

New method claim 23, which recites the same limitations as new method claim 21 and so limitations corresponding to the limitations of apparatus claim 5, depends from new method claim 22 and is believed patentable over TSUKAMOTO and Eiden both on the ground that it depends from claim 22, and also for the reasons given in arguing that claim 5 is allowable over TSUKAMOTO and Eiden.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their


passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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